

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MANISHA BAHRANI and DUNCAN
LEGGET, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

NORTHEASTERN UNIVERSITY,

Defendant.

Civil Action No. 1:20-10946-RGS

**DEFENDANT’S MOTION TO DISMISS
SECOND AMENDED CLASS ACTION COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Local Rule 7.1(b), and this Court’s order of November 6, 2020, and for the reasons more fully stated in the accompanying Memorandum of Law, Affidavit of Jim Lemmon, Jr., and Affidavit of Rebecca O’Brien, Defendant Northeastern University hereby moves to dismiss all of the claims in the Second Amended Class Action Complaint (“SAC”) in the above-captioned action for failure to state a claim. In summary, Plaintiffs Manisha Bahrani and Duncan Legget to fail to allege with the requisite substantial certainty any contractual promise by Northeastern to provide in-person instruction and access to campus facilities in all circumstances, let alone during a global pandemic. Plaintiffs’ claims for unjust enrichment are similarly foreclosed by the parties’ contractual relationship, including Northeastern’s specific written reservation of the discretion to substitute alternatives to scheduled classes and academic activities, and disclaimer of liability for events beyond the University’s control. Finally, all of Plaintiffs’ claims improperly challenge the quality of Northeastern’s educational services.

WHEREFORE, Defendant respectfully requests that this Court grant the Motion and dismiss the Second Amended Class Action Complaint with prejudice.

Respectfully submitted,

NORTHEASTERN UNIVERSITY

By its attorneys,

/s/ John A. Shope

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Dated: December 9, 2020

CERTIFICATE OF CONFERENCE

In accordance with Local Rule 7.1(a)(2), I certify that counsel for Northeastern conferred with counsel for Ms. Bahrani and Mr. Legget prior to filing this motion and the parties were unable to reach agreement.

/s/ John A. Shope

John A. Shope

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of December 2020, I electronically filed the foregoing document using the CM/ECF system, which will send notification of such to all counsel of record via the CM/ECF system.

/s/ Rachel C. Hutchison

Rachel C. Hutchison